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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/576,624

08/04/2006

Paolo Focardi

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EXAMINER

LYJAK, LORI LYNN

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/576,624	Applicant(s) FOCARDI, PAOLO	
	Examiner Lori L. Lyjak	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-24 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 15, “with a front bumper and/or a rear bumper of said motor vehicle” (line 3) is unclear. What is positively recited?

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by German reference 37 08 378.

Regarding claim 1, German reference '378 discloses a device for protecting the bodywork of a motor comprising: a flexible laminar element to be laid out to cover at least a portion of said motor vehicle; at least a mainly longitudinal developed housing structure to contain said laminar element when it is in an inoperative condition, in said housing structure, provided with connection means to said motor vehicle; a longitudinal slot for the passage of said laminar element from the interior to the outside of said housing structure; and vice versa; handling

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means, coupled with said laminar element and available to a user, to extract said laminar element from said housing structure and to dispose it to cover at least a portion of said motor vehicle; hooking means, coupled with said handling means to connect said laid out laminar element to said motor vehicle, and cleaning means, coupled with said housing structure at said longitudinal slot to clean said laminar element during its movement.

Regarding claim 2, German reference '378 discloses the device according to claim 1, wherein said cleaning means are applied to a support bar connected to an inner of said housing structure through joining means.

5. Claims 1 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Stanziale 2,723,156.

Regarding claim 1, Stanziale '156 discloses a device for protecting the bodywork of a motor comprising: a flexible laminar element to be laid out to cover at least a portion of said motor vehicle; at least a mainly longitudinal developed housing structure to contain said laminar element when it is in an inoperative condition, in said housing structure, provided with connection means to said motor vehicle; a longitudinal slot for the passage of said laminar element from the interior to the outside of said housing structure; and vice versa; handling means, coupled with said laminar element and available to a user, to extract said laminar element from said housing structure and to dispose it to cover at least a portion of said motor vehicle; hooking means, coupled with said handling means to connect said laid out laminar element to said motor vehicle, and cleaning means, coupled with said housing structure at said longitudinal slot to clean said laminar element during its movement.

Regarding claim 21, Stanziale '156 discloses the device according to claim 1, further comprising a heating system of said laminar element, coupled with feeding means and able to prevent ice formation on said laminar element.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4-20, 22 and 23 rejected under 35 U.S.C. 103(a) as being unpatentable over German reference 37 08 378 in view of Great Britain reference 2 068 863.

Regarding claim 4, German reference '378 discloses the device according to claim 1, but does not show wherein said housing structure includes a shell having a cross sectional profile of essentially elliptic shape, to avoid dust or impurities from depositing on the outer surface of said housing structure.

Great Britain reference '863 teaches a housing structure includes a shell having a cross sectional profile of essentially elliptic shape, to avoid dust or impurities from depositing on the outer surface of said housing structure.

Regarding claim 4, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the device of German reference '378 with a shell having a cross sectional profile of essentially elliptic shape, as taught by Great Britain reference '863, in order to avoid dust or impurities from depositing on the outer surface of said housing structure.

Regarding claim 5, German reference '378, as modified, discloses the device according to claim 4, wherein said shell is composed of two half-shells disposed side by side at the longitudinal symmetry of said housing structure.

Regarding claim 6, German reference '378, as modified, discloses the device according to claim 5, wherein said laminar element has an end fixed to a support element, disposed in said housing structure, which extends along the longitudinal symmetry of said housing structure for a length substantially equal to the length of said longitudinal slot.

Regarding claim 7, German reference '378, as modified, discloses the device according to claim 6, wherein said support element includes a winding cylinder around which said laminar element is wound/unwound.

Regarding claim 8, German reference '378, as modified, discloses the device according to claim 6, wherein said support element includes the inner surface of said housing structure.

Regarding claim 9, German reference '378, as modified, discloses the device according to claim 7, wherein said laminar element includes of a roll-up cloth.

Regarding claim 10, German reference '378, as modified, discloses the device according to claim 8, wherein said laminar element includes a pliant cloth having a bellows configuration.

Regarding claim 11, German reference '378, as modified, discloses the device according to claim 7, further comprises elastic means disposed in said housing structure to maintain in tension said laminar element.

Regarding claim 12, German reference '378, as modified, discloses the device according to claim 11, wherein said elastic means are placed at least at an end of said housing structure.

Regarding claim 13, German reference '378 discloses the device according to claim 1, but does not show wherein said housing structure is provided with a pair of shaped brackets, each of said shaped brackets being laterally coupled with said housing structure through joining means.

Great Britain reference '863 teaches a housing structure is provided with a pair of shaped brackets, each of said shaped brackets being laterally coupled with said housing structure through joining means.

Regarding claim 13, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the device of German reference '378 with a housing structure is provided with a pair of shaped brackets, each of said shaped brackets being laterally coupled with said housing structure through joining means, as taught by Great Britain reference '863, in order to attach the housing structure to the vehicle.

Regarding claim 14, German reference '378, as modified, discloses the device according to claim 13, wherein each of said shaped brackets is externally provided with a cap.

Regarding claim 15, German reference '378, as modified, discloses the device according to claim 4, wherein said connection means comprise at least a magnet coupled with a roof or with a front bumper and/or a rear bumper of said motor vehicle and joined through first fixing means to said outer surface of said housing structure.

Regarding claim 16, German reference '378, as modified, discloses the device according to claim 4, wherein said connection means comprise at least a flexible belt, coupled with said housing structure and joined in a stable but removable way to an upper post of the door, to a hood or to a trunk of said motor vehicle, and at least a bearing pad, coupled with the roof, with

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hood or with the truck of said motor vehicle, upon which said outer surface of said housing structure is disposed.

Regarding claim 17, German reference '378, as modified, discloses the device according to claim 4, wherein said connection means comprise at least a hollow body, connected through second fixing means to said outer surface of said housing structure to define at least a space in which at least a shaped bar, provided with at least an end rigidly fixed to the vertical post of said motor vehicle, is inserted.

Regarding claim 18, German reference '378 discloses the device according to claim 1, but does not show wherein said handling means includes a tubular element, applied to a free end of said laminar element and internally provided with an elastic wire to whose ends said hooking means are applied.

Great Britain reference '863 teaches a handling means includes a tubular element, applied to a free end of said laminar element and internally provided with an elastic wire to whose ends said hooking means are applied.

Regarding claim 18, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the device of German reference '378, with a handling means includes a tubular element, applied to a free end of said laminar element and internally provided with an elastic wire to whose ends said hooking means are applied, as taught by Great Britain reference '863, in order to attach the device to the vehicle.

Regarding claim 19, German reference '378 discloses the device according to claim 1, but does not show wherein said hooking means includes hooks to be joined with said bodywork of said motor vehicle.

Great Britain reference '863 teaches a hooking means includes hooks to be joined with said bodywork of said motor vehicle.

Regarding claim 19, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the device of German reference '378, with a hooking means, as taught by Great Britain reference '863, in order to attach the device to the vehicle.

Regarding claim 20, German reference '378 discloses the device according to claim 1, but does not show wherein said hooking means includes magnetic elements to be positioned on said bodywork of said motor vehicle.

Great Britain reference '863 teaches a hooking means includes magnetic elements to be positioned on said bodywork of said motor vehicle.

Regarding claim 20, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the device of German reference '378, with a hooking means including magnetic elements, as taught by Great Britain reference '863, in order to attach the device to the vehicle.

Regarding claim 22, German reference '378 discloses the device according to claim 1, but does not show further comprising said flexible laminar element is made of insulating material, able to resist low temperatures during the cold season.

Great Britain reference '863 teaches a flexible laminar element is made of insulating material, able to resist low temperatures during the cold season.

Regarding claim 22, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the device of German reference '378, a flexible laminar element is made of insulating material, as taught by Great Britain reference '863, in order to resist low temperatures during the cold seasons.

Regarding claim 23, German reference '378 discloses the device according to claim 1, but does not show wherein said flexible laminar element is made of a material able to resist high temperatures during the hot season.

Great Britain reference '863 teaches a flexible laminar element is made of insulating material able to resist high temperatures during the hot season.

Regarding claim 22, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the device of German reference '378, a flexible laminar element is made of insulating material, as taught by Great Britain reference '863, in order to resist high temperatures during the hot seasons.

8. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over German reference 37 08 378 in view of Gregorek 2002/007888.

Regarding claim 24, German reference '378 disclose a device for protecting the bodywork of a motor vehicle, comprising a flexible laminar element to be laid out to cover at least a portion of said motor vehicle; substantially longitudinally extending housing structure able to contain said laminar element when it is in an inoperative condition in said housing structure, provided with connection means to said motor vehicle and a longitudinal for the passage of said laminar element from the interior to the outside of said housing structure, and vice versa; handling means, coupled with said laminar element and available to an user, to

extract said laminar element from said housing structure and to dispose it to cover at least a portion of said motor vehicle; hooking means, coupled with said handling means to connect said laid out laminar element to said motor vehicle, but does not show said laminar element being an advertising support.

Gregorek '888 teaches a laminar element being an advertising support.

Regarding claim 24, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the device of German reference '378, a flexible laminar element being an advertising support, as taught by Gregorek '888, in order provide advertisements on the laminar element.

Allowable Subject Matter

9. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references show several other devices similar to that of the current invention.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Lyjak whose telephone number is 571-272-6658.

The examiner can normally be reached on Monday-Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lori L. Lyjak/
Primary Examiner, Art Unit 3612

lll
July 8, 2008